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SURFACE TRANSPORTATION BOARD

Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 10, 2003

Mr. David A. Hirsh
Harkins Cunningham
Suite 600
801 Pennsylvania Avenue, NW
Washington, DC 20004-2615

Re: Finance Docket No. 34210, Sunflower Rail Company, LLC - Construction and
Operation Exemption - Finney County, Kansas

Dear Mr. Hirsh:

I have received your letter dated March 21, 2003, in which you propose that the Sunflower Rail Company (Sunflower) prepare a Preliminary Draft Environmental Assessment (PDEA) for submission to the Surface Transportation Board's Section of Environmental Analysis (SEA). On January 22, 2003, Sunflower filed a petition for exemption with the Board proposing to construct and operate approximately 4.7 miles of rail line near Garden City in Finney County, Kansas.

Sunflower has retained ICF, Incorporated (ICF) to work as a the third-party consultant under SEA's direction, control, and supervision for preparation of environmental documentation in connection with the proposed rail construction. SEA, Sunflower, and ICF have entered into a Memorandum of Understanding (MOU), which sets forth the roles and responsibilities of each party during the environmental review process conducted in connection with the proposed rail construction. Under 49 CFR 1105.10(d), the requirement for an environmental and historic report is waived when the applicant hires a third-party consultant to assist SEA in the environmental review process.

Based on our discussions and the supporting documentation submitted with your proposal, SEA concurs with your request to prepare a PDEA. CEQ regulations at 40 CFR 1506.5(b) permit Applicants to prepare Environmental Assessments. The PDEA will serve as an administrative draft for SEA, which is responsible for determining the appropriate level of environmental review for Sunflower's proposed rail line construction and operation. SEA, with the assistance of ICF, will verify the information submitted in the PDEA and independently evaluate the environmental impacts of the proposed project.

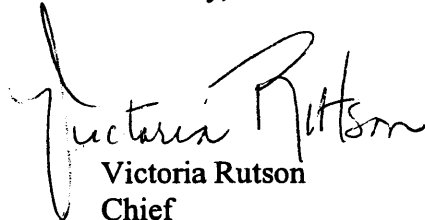
If SEA determines that an Environmental Assessment (EA) is the appropriate level of environmental review for Sunflower's proposal, SEA will issue an EA for public review

and comment based upon the PDEA, but including appropriate recommendations to the Board to mitigate potential environmental impacts. Following the public review and comment period, SEA will prepare a Post EA containing SEA's final recommendations to the Board.

Should SEA determine that Sunflower's proposal merits preparation of an Environmental Impact Statement (EIS), SEA will inform Sunflower and ICF of that decision. SEA would then use the PDEA as an informational submission by Sunflower. At that time, it will be determined whether ICF has the resources available to perform in a timely and expeditious manner the additional work that would be required. Should it be determined that ICF does not have the available resources, SEA will not object to the termination of the MOU, and to the replacement of ICF with another qualified third-party contractor.

If you have any questions or concerns, please feel free to contact me or Kenneth Blodgett of my staff at (202) 565-1554.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with a large initial "V" and "R".

Victoria Rutson

Chief

Section of Environmental Analysis